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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FIFTY-FOURTH SESSION

Written statement submitted by Human Rights Advocates, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 March 1998]

Trafficking in women and children

1. Trafficking in women and children is an epidemic problem and prohibited by multiple international conventions. Both the Commission on Human Rights and the General Assembly have noted with concern the increasing number of women and girls who are being victimized by traffickers, and recognized the need to eliminate all forms of sexual violence and sexual trafficking. Over 1 million women and children are trafficked into prostitution. Sex tourism yields 5 billion dollars per year. Traffickers transport women and children from their home and families, confiscate their passports, and rape their victims to subdue and "break" them. Many victims are hesitant to report the abuse to authorities, often not speaking the language and fearing reprisals for illegal migration. Trafficking in women and children, though prevalent in developing and industrial countries alike, manifests itself in different ways. One difference is that many States criminalize prostitution and others do not. Women's advocates disagree whether prostitution should be criminalized. The following are examples of trafficking in different regions.

Latin America

2. In Latin America, children who are already forced to earn a living on the streets are vulnerable to pimps who exploit them for profit and offer them "protection" which masks abuse, often violence, and drug dependency.

3. Thousands of Ecuadorian children are smuggled through Colombia and brought into Venezuela to work in virtual slavery conditions as prostitutes. The problem is attributed to corruption among Ecuadorian and Venezuelan officials, who are accused by many as covering-up. 1/

4. A growing number of "sex tourists" are arriving in Central America. One Australian and one American were accused of trafficking a young Honduran boy to the United States to sexually abuse him. 2/ Two Americans were arrested in Costa Rica for operating a sex tourism operation in which foreign visitors were collected at the airport and taken to a brothel in Los Angeles. 3/

Asia

5. In Asia, young girls are sold by impoverished families to pimps, believing the girls will be better with pimps than starving, and that with the money they receive they can better care for other children.

6. Thailand is a major destination for human traffickers, who procure victims for the sex trade from China, Myanmar, the Lao People's Democratic Republic and Cambodia. This business generates 11.2 to 13.5 billion dollars a year, equivalent to 50 to 60 per cent of Thailand's 1995 national budget. 4/ Thai law criminalizes child prostitution and penalizes violators, but corruption of many policemen, officials and politicians means weak law enforcement. 5/ Many enforcement officials have a financial investment in the sex trade or receive bribes. Despite occasional crackdowns, there is no consistent and adequate implementation of Thai law. 6/

7. Cambodia has an estimated 35,000 sex workers, nearly 35 per cent of whom are under the age of 17. Prostitutes are supplied to brothels within Cambodia

and also smuggled into Thailand in a highly-organized, lucrative business. 7/ An estimated 40 to 50 per cent of Cambodian prostitutes have AIDS. Though recent laws prohibit trafficking in people, including fines and imprisonment for pimps and brothel owners, 8/ no arrests have been made. UNICEF says that "there is little doubt that law-enforcement officials are involved in practically every stage of the trafficking process ... the legal system is politically weak and cannot really hold powerful people to account for their activities." 9/

8. Chinese women and girls are trafficked both intra-State and inter-State, as abductors transport them across the country to sell into forced marriages and prostitution. 10/ Women are generally sold far away from home to make escape and detection difficult. An estimated 80,000 women are abducted and sold each year. 11/ While there are penalties for the abduction and the sale of women, there are many legal loopholes, and the sale of persons by family members is not prohibited. Another problem is the lack of enforcement, blamed on corruption, weakness of local government or indifference. Some local officials do not view trafficking as a serious crime and take no action against it. Others are actively involved or accept bribes from traffickers to keep quiet. 12/

Africa

9. In Africa, civil strife and failed structural adjustment strategies have weakened family structures and support. Often adults and children are left with few alternatives to exchanging sex for food, money and even relief supplies.

10. In Kenya where 85 per cent of the population lives in rural areas with no food or access to basic amenities, and 50 per cent of the population lives below the poverty line, children at eight years old are trafficked to the province of Nyanza as sex workers. 13/ Illicit trade of children in Nyanza is apparently on the rise to accommodate Asian businessmen and high-ranking executives. Child prostitution is attributed to poverty, broken families, and the AIDS virus that orphaned many children.

Eastern Europe

11. In Eastern Europe, where political and economic upheavals, runaway inflation and increasing economic disparities have made communities and children vulnerable, child prostitution is on the rise. 14/

12. Thousands of women from the former Soviet Union are trafficked each year to Macao, Dubai, Germany, Israel and the United States as striptease dancers and prostitutes. Many are attractive and well educated, but prefer to take their chances abroad rather than face unemployment and poverty in their own countries. Low-end members of the Russian mafia dominate the trade, but high-powered mafia elite skim a commission in exchange for protection and connections with law enforcement. Reports allege serious government complicity in the business of trafficking women abroad, including Russia's Interior Ministry, Federal Security Service and Ministry of Foreign Affairs. 15/

United States

13. In the United States, between 100,000 and 300,000 children are sexually exploited through prostitution and pornography. Unlike other parts of the world, poverty is not the main contributing factor. Many victims are runaway children from inner cities or farming families in rural and small-town areas in Mid-Eastern states who have suffered incest, rape and abuse at home and are promised work as models and actresses by flashy pimps involved in small trafficking groups. 16/

14. Many children are also trafficked from Mexico, sexually abused and discarded. Other women and children are trafficked into the United States for work in clandestine brothels, domestic service, and garment sweatshops. These destitute victims are easy targets for other circles of crime, as they don't speak the language and fear deportation.

15. The United States has many federal and state laws criminalizing trafficking and prostitution, but these laws treat even child prostitutes as perpetrators rather than victims. In addition to being shunned by society as shameful and dirty, the legal system throws prostitutes into jail or deports them rather than healing these victims of violence and offering rehabilitation and counselling.

Conclusions and recommendations

16. Despite differences in economic, political and social systems of countries where trafficking of women and children exists, there are common problems. Inadequacies in enforcement include active involvement of law enforcement and government officials in the business, overlooking illegal activities or covering up, and giving low priority to investigating and preventing violence against women. For example, the United States "war on drugs" allocates significant funds to combat drug trafficking, but no such programme exists for sex trafficking.

17. Despite numerous treaties and extensive attention by United Nations bodies, the lack of enforcement mechanisms in international law remains a significant obstacle to eradicating trafficking.

18. Optional protocols on child trafficking should be considered for the Convention on the Rights of the Child and for the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. These optional protocols would provide redress for individual complaints from victims of trafficking and supervision of States parties' implementation of anti-trafficking provisions.

19. HRA commends the work of the Working Group on Contemporary Forms of Slavery, and recommends that the Secretariat follow the suggestion, contained in the Working Group's report on its twenty-first session, (E/CN.4/Sub.2/1996/24 and Corr.1) to establish a data bank, by subject and by country. HRA also recommends that the Working Group individualize its

questionnaires to Governments, recording both the questions and the responses in the database to ensure consistency with addressing and responding to areas of concern in certain States.

20. Lastly, HRA urges the Commission to encourage coordination of existing monitoring mechanisms. Further, in order to provide a mechanism for redress of human rights abuses, the Special Rapporteur on violence against women or the Special Rapporteur on the sale of children, child prostitution and child pornography should be given authority to take urgent action to address allegations of specific violations and to investigate reliable allegations of governmental inaction with respect to those violations.

Notes

1/ Estrella Gutierrez, Rights: child traffic in Venezuela. Tip of the iceberg, International Press Service, 11 January 1998.

2/ Bruce Harris, Casa Alianza warns that Central America is new sex tourism destination, Review of Last Minute News, 18 November 1997.

3/ Ibid.

4/ Authorities hope new law will cut down on human trafficking, Agence France-Presse, 30 November 1997.

5/ Patricia D. Levan, "Curtailing Thailand's child prostitution through an international conscience". American University Journal of International Law and Policy, vol. 9, No. 869, 1994, p. 895.

6/ Ibid., p. 896.

7/ Tricia Fitzgerald, "Child sex trade: a worrying problem", Phnom Penh Post, vol. 16, 1-14 December 1996.

8/ 1996 Law on the Suppression of Kidnapping and Trafficking/Sale of Human Persons and Exploitation of Human Persons.

9/ Debra Boyce, Rescued prostitutes present theatre of life, Gemini News Service, 30 July 1996.

10/ "Caught between tradition and the State: violations of the human rights of Chinese women", Women's Rights Law Report, vol. 17, No. 285, 1996, p. 289.

11/ Ibid.

12/ Ibid.

13/ Child prostitution rampant despite outcry, Africa News Service, 23 June 1997.

14/ For information on Poland, see report of Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1997/47 and Add.1-4).

15/ Vladimir Isachenkov, Trafficking in women flourishing in former Soviet Bloc, Associated Press, 7 November 1997.

16/ Report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1997/95/Add.2).

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